

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

## **MEMORANDUM OPINION AND ORDER**

This criminal case is before the Court on defendant's pro se motion for a prison transfer and jail credit [Doc. 78]. The Bureau of Prisons has sole discretion to designate a prisoner's place of confinement; though, a court may make certain recommendations as to the penal facility at which the prisoner is placed. 18 U.S.C. § 3621(b). Similarly, a district court "cannot grant or compute sentence credits under 18 U.S.C. § 3585(b)." *United States v. Williams*, No. 05-20377-JDB, 2008 WL 3850212, at \*1 (W.D. Tenn. Aug. 18, 2008). A court may make certain recommendations to the Bureau of Prisons; however, "the power to grant credit for time served lies solely with the Attorney General and the Bureau of Prisons." *United States v. Crozier*, 259 F.3d 503, 520 (6th Cir. 2001) (first citing 18 U.S.C. § 3585(b); and then citing *United States v. Wilson*, 503 U.S. 329, 333 (1992)); *see also United States v. Brown*, 417 F. App'x 488, 493 (6th Cir. 2011) ("[A]warding credit for time served is the exclusive responsibility of the Bureau of Prisons.").

The Court will deny defendant's requests as the Court considers the Bureau of Prisons particularly suited to assess the defendant's status and take appropriate action. As

to defendant's request for credits, if the Bureau of Prisons declines to credit defendant's time served, defendant may raise his claims through the Bureau's Administrative Remedy Program. *Setser v. United States*, 566 U.S. 231, 244 (2012) (citing 28 C.F.R. § 542.10, *et seq.*). After exhausting administrative remedies, defendant may then petition for a writ of habeas corpus under 28 U.S.C. § 2241, a petition which must be filed in defendant's district of confinement. *Id.*

Accordingly, defendant's motion [Doc. 78] is hereby **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE